

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 5:09-0084

\$19,507.00, MORE OR LESS,
IN UNITED STATES CURRENCY;
ONE 2003 MERCEDES BENZ E500; and
ONE 2000 LINCOLN LS SEDAN,

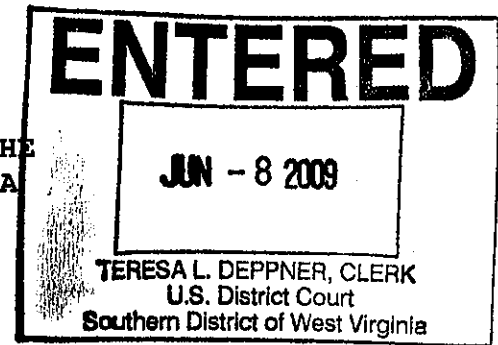
Defendant.

(Steven James Gray,
Criminal No. 5:08-00216)

FINAL ORDER OF FORFEITURE

On the 27th day of April, 2009, came the United States of America, by counsel, and represented to the Court that this case is ripe for the entry of a Final Order of Forfeiture, forfeiting the defendant property to the United States free and clear of any adverse right, title and interest.

WHEREAS, on January 30, 2009, the United States filed a Verified Complaint of Forfeiture and, on the same date, the Clerk of this Court issued a Warrant of Arrest in rem and Notice to Potential Claimants, pursuant to Rule G(3)(b)(I), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;



WHEREAS, the United States Marshals Service executed the Warrant of Arrest and Notice in rem on the defendant property on February 9, 2009, as evidenced by the Process Receipts and Returns (Docket Nos. 4, 5 and 6) which are on file with the Clerk's office in this case, bringing the defendant property within the jurisdiction of the Court;

WHEREAS, Steven James Gray, the person from whom the defendant property was seized and in whose name the defendant vehicles are titled, agreed to forfeit the defendant property to the United States pursuant to the terms of his guilty plea in United States v. Steven James Gray, Criminal No. 5:08-00216, as evidenced by Gray's plea agreement, a certified copy of which is attached to and incorporated into the United States Motion for a Final Order of Forfeiture as "Govt's Exhibit A;"

WHEREAS, Shirley Faison, who is identified in paragraph 2(B) of the Verified Complaint as a joint owner of the defendant 2003 Mercedes Benz E500 Sedan, died on December 11, 2006, as was established by "Govt's Exhibit C" attached to and incorporated into the United States Motion for a Final Order of Forfeiture. Inasmuch as records of the West Virginia Division of Motor Vehicles, attached to and incorporated into the United States Motion as "Govt's Exhibit B," show that the vehicle is titled in the names of "Shirley A. Faison OR Steven James Gray," any interest Ms. Faison

may have had in the vehicle passed to Mr. Gray upon her death.
W. Va. Code § 36-1-20(b) (2008);

WHEREAS, the United States published a Legal Notice of Forfeiture in The Register-Herald, a newspaper of general circulation within the district, on February 10, 17 and 24, 2009, as evidenced by the Affidavit of Publication on file in the Clerk's Office in this case; and

WHEREAS, more than 30 days have elapsed since the last date of publication, no claims have been filed against any of the defendant property pursuant to the legal advertisement and any claims now would be time-barred.

ACCORDINGLY, the Court hereby ORDERS that the following property be and the same hereby is FORFEITED to the United States, free and clear of any adverse right, title and interest:

1. The sum of \$19,507, more or less, in United States currency (CATS No. 08-DEA-500068);
2. One 2003 Mercedes Benz E500 Sedan, black in color, Vehicle Identification No. WDBUF70J53A061486 (CATS No. 08-DEA-501112); and
3. One 2000 Lincoln LS Sedan, tan in color, Vehicle Identification No. 1LNHM87A7YY872186 (CATS No. 08-DEA-501976).

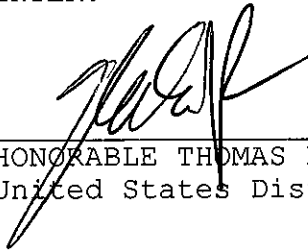
The Court hereby ORDERS that the United States Marshals Service shall dispose of the forfeited property according to law.

The Court further ORDERS that this case is DISMISSED, with each party bearing their respective costs and attorney's fees.

The Clerk is directed to send certified copies of this Order to counsel of record; to Michelle Shaffer, DEA, Union Square, #2 Monongalia, Suite 300, Charleston, West Virginia, 25302; and to the United States Marshals Service, Charleston, West Virginia.

IT IS SO ORDERED this 8th day of June, 2009.

ENTER:



HONORABLE THOMAS E. JOHNSTON
United States District Judge

PREPARED BY:

s/Betty A. Pullin
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